

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**DAVID BARRETT,**

Plaintiff,

v.

**ELIZABETH CAMPOS, SCOTT B. ALLEN,  
LINDA DAVIDSON, Regional director,  
RONALD K. HOOKS,**

Defendants.

**MOSMAN, J.,**

No. 3:14-cv-02047-JE

OPINION AND ORDER

On December 31, 2014, Magistrate Judge Jelderks issued his Findings and Recommendation [6], recommending that David Barrett's action should be DISMISSED for failure to state a claim upon which relief may be granted. Judge Jelderks also recommended that Mr. Barrett's IFP application [2] should be GRANTED and his motion for appointment of pro bono counsel [3] should be DENIED. Plaintiff filed a one-page objection [9].

**DISCUSSION**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to

make a *de novo* determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, *de novo* or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Jelderk's recommendations and I ADOPT the F&R [6] as my own opinion.

IT IS SO ORDERED.

DATED this 9th day of February, 2015.

/s/ Michael W. Mosman  
MICHAEL W. MOSMAN  
United States District Judge